

Senate Bill No. 1425

CHAPTER 374

An act to amend Section 5009 of the Water Code, relating to water.

[Approved by Governor September 20, 2006. Filed with
Secretary of State September 20, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1425, Kuehl. Groundwater extraction.

Existing law, with certain exceptions, requires a person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura to file with the State Water Resources Control Board an annual notice of extraction. Existing law, with certain exceptions, provides that, after 1959, the failure to file a notice for any calendar year within 6 months after the close of that calendar year is equal to nonuse of the groundwater in those counties for that calendar year by each person failing to so file. Existing law requires each person who extracts groundwater in a board-designated local area and who is otherwise subject to these described provisions, to file the required notice with a local public agency or court-appointed watermaster that has been designated by the board to receive the notice (local agency), instead of the board. Existing law defines "board-designated local area" as the area entirely within the jurisdiction of the local agency that the board has determined is to be subject to these provisions. Existing law authorizes the board to designate an entity as a local agency for those purposes if the board determines the local agency meets specified requirements, including a requirement that the entity has volunteered to be designated. Existing law requires the local agency to make the extraction information available to the public.

This bill would modify the definition of "board-designated local area" to include any area for which the local agency has formally agreed to accept the required notice. The bill would require the board to designate an entity as a local agency if the board determines the local agency meets the specified requirements. The bill would require the local agency to make the extraction information available to governmental agencies instead of the public.

The people of the State of California do enact as follows:

SECTION 1. Section 5009 of the Water Code is amended to read:

5009. (a) (1) Notwithstanding any other provision of this part, on and after January 1, 2005, each person who extracts groundwater in a

board-designated local area, and who is otherwise subject to this part, shall file the required notice with the appropriate local agency designated pursuant to subdivision (e), instead of the board, in accordance with this part. The notice shall be on a form provided by the local agency and the content of the form shall be determined by the local agency in accordance with Section 5002. To the extent possible, the form shall consolidate the notice required under this section with other reports required by the local agency relating to the extraction of groundwater.

(2) A person who is subject to this section is subject to this part in the same manner and to the same extent as a person who files his or her notice with the board.

(b) Each notice filed with the local agency may include a filing fee determined by the local agency. If the local agency chooses to impose a filing fee, the local agency shall calculate the amount of the fee to pay for administrative expenses incurred in connection with the processing, compiling, and retaining of the notices, but in no event shall the fee amount exceed that amount charged by the board pursuant to Section 5006.

(c) The local agency shall make available to governmental agencies the information collected pursuant to this section.

(d) For the purposes of this section:

(1) “Board-designated local area” means the area entirely within the jurisdiction of the local agency that the board has determined shall be subject to this section, and any area for which the local agency has formally agreed to accept the required notice.

(2) “Local agency” means the local public agency or court appointed watermaster that has been designated by the board in accordance with subdivision (e).

(e) The board shall designate an entity as a local agency for the purposes of this section, if the board determines that all of the following apply:

(1) The entity has volunteered to be designated.

(2) The entity has responsibilities relating to the extraction or use of groundwater.

(3) The entity has made satisfactory arrangements with the board to identify which groundwater extractors are within the designated local area and to avoid the submission of notices to both the board and one or more local agencies.

(4) The entity has made satisfactory arrangements with the board to maintain records filed under this part for extractions within the designated local area, and to make those records available to governmental agencies.